

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**OZBURN-HESSEY LOGISTICS, LLC**

**and**

**Case 15-CA-097046**

**UNITED STEELWORKERS UNION**

**ORDER**

The Employer's petition to revoke subpoena duces tecum B-709011 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.<sup>1</sup> Further, the Employer has failed to establish any other legal basis for revoking the subpoena.<sup>2</sup> See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., May 23, 2013.

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

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<sup>1</sup> In evaluating the petition to revoke with respect to the subpoenaed personnel files, we view these paragraphs as modified by the Region's statement in its opposition brief that (1) the Employer may redact bank account numbers and social security numbers; and (2) to the extent that documents related to garnishments, levies, bankruptcies, benefit elections, direct deposit forms, employment verification forms from lenders and landlords, leave requests, and employee medical records are not specifically relevant to the issues in this case, the Employer will not be required to produce copies of these documents, with the understanding that the original complete personnel files of Yelverton and Malone will be made available for review upon request to determine whether any withheld documents contain potentially relevant information.

<sup>2</sup> The Employer argues that the Board lacks a quorum and cannot rule on its petition to revoke. For the reasons stated in *Bloomington's, Inc.*, 359 NLRB No. 113 (2013), this argument is rejected.